IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

SALLIE ROBERTSON,)
Plaintiff,) Case No. 4:04-CV-00043
v.) ORDER
CROWN AUTO, INC., et al.)
Defendant.) By: Jackson L. Kiser
) Senior United States District Judge
)

On June 6, 2005 the Defendants in this case filed a *Motion to Strike Paragraph 5a of Plaintiff's Complaint as Being Improper* [36]. A *Pretrial Order* [12] was entered by this Court in this case on October 18, 2004. Paragraph five of the *Pretrial Order* states:

It shall be the obligation of the moving party to bring the motion on for hearing by notice. If by mutual agreement of the parties a hearing is not required, it shall be the obligation of the moving party to notify the Court that the motion is submitted on briefs. ANY MOTION WHICH IS NOT BROUGHT ON FOR HEARING OR SUBMITTED ON BRIEFS WITHIN 90 DAYS FROM THE DATE IT IS FILED WILL BE DISMISSED AND THE COURT WILL NOT ENTERTAIN A RENEWED MOTION OF THE SAME ISSUE(S) EXCEPT FOR GOOD CAUSE...

The Defendants in this case have failed to comply with the plain language of the *Pretrial Order* by failing to either notice a hearing for their *Motion* or notify the Court that the parties agreed to submit the *Motion* on the briefs within ninety days of filing the *Motion*. Additionally, the Defendants have not attempted to show good cause for their non-compliance with the *Pretrial Order*. Accordingly, I hereby **dismiss** the *Defendants' Motion to Strike Paragraph 5a of Plaintiff's Complaint as Being Improper*.

The Clerk is directed to send certified copies of this *Order* to Magistrate Judge Michael

F. Urbanski and to all counsel of record in this car	se.
Entered this 31st day of March, 2006.	
	s/Jackson L. Kiser Senior United States District Judge